

REMARKS/ARGUMENTS

The Office has required restriction in the present application as follows: in Claim 1 the arylamidine derivative indicated by the general formula therein and the various substituents of X, G¹, G² and R² represented by formulas (1), (2) and (3).

Applicants elect with traverse the compounds defined in the formula of Claim 1 wherein X is an unsubstituted or substituted lower alkylene group, G¹ is an oxygen atom, G² is a carbon atom and R² is a group represented by formula (3).

The Examiner has indicated that the claims do not meet the unity of invention requirement for the reason that a common structure is not present under the PCT Rule of Annex B, Part 1(f) in which the utility is attributed and the radicals as defined by the formula such as G¹, G², X and R².

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Under Annex B, Part 1(f) cited by the Examiner a technical interrelationship and the same or corresponding special technical features are met when two conditions are met: (1) all of the alternatives of the compounds have a common property or activity and (2) there is a common structure present or all the alternatives belong to a recognized class of chemical compounds. Applicants submit that the claimed compounds do meet both of these conditions in that they have the common property or activity of antifungal activity and have the common structure of an arylamidine derivative. Since the unity of invention requirements are met the restriction is improper and should be withdrawn.

Moreover, the MPEP in Section 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it

on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office. In this regard it is noted that the European Patent Office searched all of the claims in the present invention of the present application in one application.

Accordingly and for the reasons presented above Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

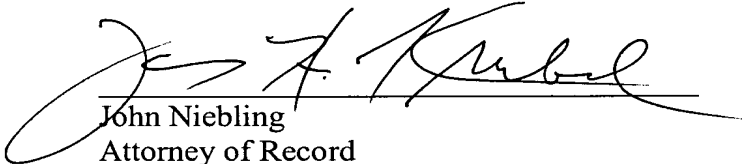
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